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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,802	12/21/2001	Toshiaki Fujii	KAW 98-2018-C	5368
23413	7590	08/26/2005	EXAMINER	
CANTOR COLBURN, LLP			KEENAN, JAMES W	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	

3652

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,802

Applicant(s)

FUJII ET AL.

Examiner

James Keenan

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 11-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/05 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 11-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of the independent claims, the recitation of "an entire of the container" is unclear.

In claim 16, line 13, the recitation of "the cover ... and is unified" is unclear, and furthermore, the recitation that the cover is "unified with the door of the loader" is an improper positive recitation of an element (the door of the loader) which is merely inferentially set forth as part of a *wherein* clause. This also applies to claim 17.

In claim 24, line 12, "the opening portion" lacks antecedent basis.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 16, 17, and 19- 21 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Muka et al (US 5,613,821, previously of record).

Muka shows a container 32 for receiving dust free articles therein and which is mountable on a loader 60 such that the entire container remains in a low cleanliness room while a cover 42 to be removed from the container faces a high cleanliness room 22, wherein the loader comprises an opening portion 78 disposed in the low cleanliness room in a border location between the high and low cleanliness rooms and a door 80 for opening and closing the opening portion, and further wherein the container comprises an opening port 38 through which the article is transferred to the high cleanliness room, the cover 42 is unified with the door 80 in the low cleanliness room and moves with the door to open and close the opening portion, and a fixing means 50-56 (fig. 5) fixes the cover to the port when the article is enclosed in the container. Although the high cleanliness room does not necessarily have a higher pressure than the low cleanliness room, this is merely a statement of intended use for which the container of Muka clearly could be utilized. Muka shows all positively recited structural limitations.

Re claim 17, see figure 9.

Re claim 19, note seal 48 (fig. 5).

Re claim 20, note feet 66 (fig. 3).

Re claim 21, absent any structural limitations, any portion of the outside of the container can be considered a "handle".

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al.

Although Muka does not show the container to include a protrusion with a hole in which a pin is inserted to unify the cover and door, a similar structure including recess 186 into which fingers 194 are inserted is shown in figures 13-15. it would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Muka by utilizing a protrusion with a hole in place of the recess, as this would simply be an alternate equivalent design expediency.

Re claim 23, although Muka does not explicitly teach an air cleaning device, the addition of such a feature is considered an obvious design expediency, in light of the fact that: a) Muka is used in a clean environment, and b) such devices are generally well known in this art, particularly since no structural details are recited.

Art Unit: 3652

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al in view of Bonora et al (US 5,895,191, previously of record).

Muka does not show the angle between the cover and surface to form an acute angle.

Bonora, as previously described in prior Office actions, shows this feature.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Muka by forming the claimed angle as an acute angle, as suggested by Bonora, as this would simply be a well known and art recognized manner of connecting a cover to a container.

9. Claims 16, 17, 19-23, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al in view of Briner et al (US 5,810,537, previously of record).

This rejection applies to claims 16, 17, and 19-23, previously rejected over Muka alone, in the event that the claims are amended to clearly and positively require the high cleanliness room to have a higher pressure than the low cleanliness room.

Muka, as noted above, does not explicitly disclose such a feature. Re claim 29, Muka also fails to show a movable stage.

Briner, as noted in previous Office actions, shows loader 10, stage 12 with movable lift ring 16, container 36 with cover 38, and door 26 in opening portion of wall 24 that separates a low cleanliness room from a high cleanliness room, wherein the high cleanliness room has a higher pressure than the low cleanliness room.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Muka such that the high cleanliness room had a higher pressure than the low cleanliness room, as suggested by Briner as a means of preventing contamination, and to have included a vertically movable stage, as also shown by Briner, as this would simply be an alternate equivalent to the vertically movable end effector 84 of Muka.

10. Claims 9, 11-15, 24-28, 30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al in view of Briner et al, as applied to claim 29 above, and further in view of Mastroianni (US 6,068,668, previously of record).

Muka as modified does not show a horizontally movable stage.

Mastroianni, as noted in a prior Office action, shows shuttle 28 for horizontally moving container 38 toward and away from a load port of a wafer processing apparatus. This is disclosed as a desirable alternative to systems without a movable stage.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified Muka by utilizing a driver to move the stage horizontally, as shown by Mastroianni, to enable easier and more precise loading of the container at the load port.

Re claims 9 and 24, note that the secondary reference Briner additionally shows a gap between the door and the opening portion through which air flows out from the high cleanliness room (col. 5, lines 3-19). To have included this additional feature in the modified apparatus of Muka would have been obvious to further reduce contamination.

Art Unit: 3652

Re claim 11, note front cover 70 of Muka.


11. Applicant's arguments with respect to claims 9 and 11-34 have been considered but are moot in view of the new ground(s) of rejection.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

The examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Keenan
Primary Examiner
Art Unit 3652